



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,480	02/11/2002	Atsushi Ishii	TAL/7146.117 (SLA 1032)	7297

7590 06/22/2005

Timothy A. Long  
Chernoff, Vilhauer, McClung & Stenzel, LLP  
1600 ODS Tower  
601 S.W. Second Avenue  
Portland, OR 97204-3157

EXAMINER
----------

KIM, WESLEY LEO

ART UNIT	PAPER NUMBER
----------	--------------

2683

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/074,480

Applicant(s)

ISHII, ATSUSHI

Examiner

Wesley L. Kim

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/5/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office Action is in response to Amendment filed on 2/3/05.
  - Claims 1, 2, and 6 are amended.
  - Claims 3-5 are in their original form.
  - This action is made **FINAL**.

### ***Response to Arguments***

2. Applicant's arguments filed 2/3/05 have been fully considered but they are not persuasive.
  - Applicant argues or alleges the following point: The Buckley et al reference does not disclose the limitation "if said connection state is disconnected, answering said incoming call in response to a change in said connection state."

Examiner respectfully disagrees with Applicants assertion that Buckley et al does not disclose that limitation. To the examiner Par.23 and Par.27 read on the limitation. Par.23 and Par.27 teaches automatic means of detection of an appropriate audio path and routing the call to the appropriate path or the user may manually do the switching depending on the connection state; and further

Buckley teaches if the headset is not connected, then only the handset switch (36) can be operated to answer an incoming call to answer

the incoming call (Par.31;1-6) in response to the change in connection state, where before the change in connection state, a switch (52) on the headset was an option of answer incoming calls.

- Applicant argues or alleges the following point: The Ishida reference does not teach the step of “alerting” the user of the disconnected state.

Examiner respectfully disagrees with Applicants assertion. The claim language is as follows “(d) if said connection state is disconnected, alerting said user of said disconnected state”, to the examiner Ishidas’ teaching in (Col.4;1-6) reads on the limitation. Ishida clearly states that a call is automatically terminated and a menu screen is displayed if an earphone jack is extracted from a mobile terminal whether the extraction was intentional or un-intentional. To the examiner, a call termination would definitely alert the user of a disconnected voice interface and a display of a menu screen which was not displayed previous to the disconnect is a visual alert indicating a change in the connection state.

- Applicant argues or alleges the following point: The cited combination does not disclose “detecting a connection state of said voice interface at the time of said request” and “if said connection state is disconnected, alerting said user of said disconnected state.”

Examiner respectfully disagrees with Applicants assertion.

Regarding alerting said user of said disconnected state, see above argument. Regarding “detecting a connection state of said voice interface

at the time of said request", Buckley teaches originating a call with or without a headset connected to the phone (Par.24-Par.29) and in Par.29, Buckley teaches when no headset is connected, audio is routed to handset. To the examiner Par.29 reads on the limitation, if a call is initiated then a connection state of voice interface (i.e. headset) is detected at the time of said request and if no voice interface is connected, audio is routed to the handset and not the voice interface.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 rejected under 35 U.S.C. 102(b) as being anticipated by Buckley et al.

Regarding claim 1, Buckley et al discloses a method of answering an incoming call with a communication device (Par.3;20-22) having a selectively connectable voice interface (28, headset) and a user interface (10, keypad), said method comprising the steps of: (a) detecting said incoming call (Par.3;9-11); (b) detecting a connection state of said selectively connectable voice interface (Par.23); (c) connecting to said incoming call in response to an interaction at said user interface, if said connection state is connected (Par.24); and (d) if said

connection state is disconnected, answering said incoming call in response to a change in said connection state (Par.31;5-6 and Par.32;5-10).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2-6 rejected under 35 U.S.C. 103(a) as being unpatentable over Buckley et al in view of Ishida.

Regarding claim 2, Buckley et al discloses a method of initiating a call with a communication device (Par.3;20-22) having a selectively connectable voice interface (28, headset) and a user interface (10, keypad), said method comprising the steps of: (a) originating a request for said call in response to a user command (Par.3;20-22); (b) detecting a connection state of said voice interface at the time of said request (Par.23); (c) initiating said call in response to a command at said user interface, if said connection state is connected (Par.24). Buckley et al does not expressly disclose a method of alerting the user of a disconnected state. Ishida teaches of a call termination when an earphone jack is extracted from a mobile terminal (Col.4;1-6), which is a form of alerting the user. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Ishida's means for alerting a user of a disconnected state in combination with all the limitations disclosed by Buckley et al. One of

ordinary skill in the art would have been motivated to do this because a means for alerting the user of a disconnected state allows the user to react promptly through a menu screen.

Regarding claim 4, The combination as discussed above discloses all the limitations as disclosed in claim 2, Buckley does not expressly disclose (b) displaying a dialing interface if said connection state is connected, and (c) if said connection state is disconnected, displaying said dialing interface in response to user interaction with said user interface in the limitations of claim 2. On the other hand, Ishida does disclose (b) displaying a dialing interface if said connection state is connected (Col.3;55-57), and (c) if said connection state is disconnected, displaying said dialing interface in response to user interaction with said user interface. Ishida does not expressly disclose displaying a dialing interface in response to a user interaction but he does disclose a menu screen (Col.3;45-52). At the time the invention was made, it would have been obvious to one skilled in the art to display a dialing interface as opposed to a menu screen in response to a user interaction when connection state is disconnected. One of ordinary skill in the art would have been motivated to do this because a means for alerting the user of a disconnected state allows the user to react promptly through a dialing screen.

Regarding claim 3 and 5, Buckley et al does not expressly disclose the step of initiating a call in response to a change in said connection state from disconnected to connected. Ishida discloses a step for detecting the insertion of

an earphone jack and a step for switching a menu screen to a dialing screen for executing a telephone function based upon a detection in the detection step. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to interpret "...executing a telephone function..." as being "...the step of initiating said call..." One of ordinary skill would have been motivated to initiate a call in response to a change in connection state so that the user may react promptly to a disconnected call.

Regarding claim 6, Buckley et al discloses a method of initiating a call with a communication device (Par.3;20-22) having a selectively connectable voice interface (28, headset) and a user interface (10, keypad), said method comprising the steps of: (a, e) detecting a connection state of said voice interface at the time of said request (Par.23); d) originating a request for said call in response to a user command (Par.3;20-22); (f) initiating said call in response to a command at said user interface, if said connection state is connected (Par.24).

Buckley et al does not expressly disclose (b) displaying a dialing interface if said connection state is connected, (c) if said connection state is disconnected, displaying said dialing interface in response to user interaction with said user interface. (g) if said connection state is disconnected, alerting said user of said disconnected state; and (h) thereafter, initiating said call in response to a change in said connection from a disconnected state to a connected state.

Ishida discloses (b) displaying a dialing interface if said connection state is connected (Col.3;55-57), (c) if said connection state is disconnected, displaying



said dialing interface in response to user interaction with said user interface.

Ishida discloses displaying a menu screen in response to a user interaction (Col.3;45-52). At the time the invention was made, it would have been obvious to one skilled in the art to display a dialing interface as opposed to a menu screen in response to a user interaction when connection state is disconnected.

Ishida discloses (g) if said connection state is disconnected, alerting said user of said disconnected state. Ishida teaches of a call termination when an earphone jack is extracted from a mobile terminal (Col.4;1-6), which is a form of alerting the user of a disconnect status.

Ishida discloses (h) initiating said call in response to a change in said connection from a disconnected state to a connected state. Ishida does disclose a step for detecting the insertion of an earphone jack and a step for switching a menu screen to a dialing screen for executing a telephone function based upon a detection in the detection step. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to interpret "...executing a telephone function..." as being "...the step of initiating said call..." One of ordinary skill would have been motivated to do all of the above so that the user may be alerted of any change in connection state so that he/she may react promptly to a disconnected call.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2683

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesley L. Kim whose telephone number is 571-272-7867. The examiner can normally be reached on Monday-Friday 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

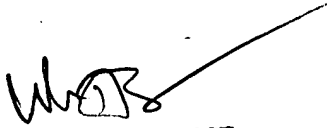
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/074,480

Page 10

Art Unit: 2683

WLK



WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600